

Crystal L. Cox  
Investigative Blogger  
Pro Se Defendant  
**Oregon Civil No. CV 11-0057 HZ**

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
Portland Division

OBSIDIAN FINANCE GROUP, LLC and  
KEVIN D. PADRICK, Plaintiffs

**Civil No. CV 11-0057 HZ**

Pro Se  
CRYSTAL L. COX, Defendant

**Memorandum to Objection to Sanction  
Regarding David Aman, Illegal, Unethical MT Deposition Scam.**

**Defendant Crystal Cox was denied the rights of Oregon Retraction Laws, though she does apply to that law, Judge Hernandez continued to discriminate against Defendant Cox as a Blogger and not affiliated with a Major News Outlet.**

Retraction Law and Pro Se Blogger Crystal L. Cox

Judge Hernandez Claims the Oregon Retraction Laws do not apply to defendant cox, Here is what Judge Hernandez Said Regarding the Oregon Retraction Statute.

**"Oregon Revised Statutes §§ (O.R.S.) 31-200 - 31.225 preclude a plaintiff from obtaining general damages on account of a defamatory statement being published in certain forms unless a correction or retraction is demanded, but not published as provided in O.R.S. 31.215.**

**Defendant contends that because plaintiffs did not seek a correction or retraction, they may not obtained general damages.**

**These statutes apply, however, only to actions for damages on account of a defamatory statement published or broadcast in a newspaper, magazine, other printed periodical, or by radio, television, or motion picture. O.R.S. 31.205, 31. 210.**

**The Oregon Legislature has not expanded the list of publications or broadcasts to include Internet blogs."**

**"Because the statements at issue in this case were posted on an Internet blog, they do not fall under Oregon's retraction statutes."**

I told Judge Hernandez over and over that I am a Publisher, that I have multiple blogs, and that I am a Journalist by Law, and am Media, I gave proof best I could, he simply said I could disagree, yet he ruled that the Oregon Retraction Laws did not apply to me because I am a blogger. That was discrimination.

I gather news, have a medium to the public, the internet is a wire service, I take interviews, I do have editing capability and have information from both sides, I did not talk to the bad guy, I saw interviews of him speaking and heard court recordings of him talking and read emails between him and insiders, I did not need to talk to Kevin Padrick of Obsidian Finance Group, the Facts proved what he had done without calling him for him to say I did not do it.

Also Note, I have published books and have around 100 ISBN numbers as "Nakaii Publishing".

I have written eBooks, and have lots of books started, however I have been focused on voice to victims for years and therefore have not got those out yet. I started Nakaii Publishing around 1996 and only published 2 books, a Poetry Book and a Medicinal Plant book. They both have ISBN numbers. At that time I got around 100 ISBN numbers, so what If I have an ISBN on my blogs, then can I say what I want? And why am I not a Publisher? Google Nakaii Publishing and it says I am a publisher. I told the judge I am legally media, legally a journalist and he kept telling me I am not and told me I was allowed to disagree. I have disagreed for nearly a year.

I have written articles online, sell ebooks on Lulu.com, I sell my photos online and am also a Photo Journalist. Why do I not have the same rights by Law?

**"These statutes apply, however, only to actions for damages on account of a defamatory statement published or broadcast in a newspaper, magazine, other printed periodical, or by radio, television, or motion picture. O.R.S. 31.205, 31. 210."**

**Why am I not a newspaper, much of what ABC, NBC, Fox and other big media says in todays world, and most big newspapers use the Internet as their medium of communication. I am an online newspaper, I have subscribers, other writes, I am a publisher, I gather and disperse news, I have videos - why am I not a newspaper?**

**The Definition of Newspaper is:**

\* "A **newspaper** is a scheduled **publication** containing **news** of current events, informative articles, diverse features and advertising. It usually is printed on relatively inexpensive, low-grade paper such as **newsprint**. By 2007, there were 6580 daily newspapers in the world selling 395 million copies a day. The worldwide recession of 2008, combined with the rapid growth of web-based alternatives, caused a serious decline in advertising and circulation, as many papers closed or sharply retrenched operations.[1]"

"General-interest newspapers typically publish stories on local and national political events and personalities, crime, business, entertainment, society and sports. Most traditional papers also feature an editorial page containing editorials written by an editor and **columns** that express the personal opinions of writers. The newspaper is typically funded by paid **subscriptions** and advertising."

Source

**<http://en.wikipedia.org/wiki/Newspaper>**

**Why am I not a newspaper. People print my blog posts all over the world, does that not make me a printed publication in 2011. My blogs are syndicated by products I sell and Google Ads. I have had paid subscribers to some of my blogs and companies have paid to be on my sites at some point. It is common knowledge that web based news is the main news today, so**

Also Oregon Law says Magazine, why am I not a Magazine?

Magazine is defined as:

"A periodical publication containing articles and illustrations, typically covering a particular subject."

"1. A periodical containing a collection of articles, stories, pictures, or other features."

<http://www.thefreedictionary.com/magazine>

Why are My Hundreds of Blogs NOT a Magazine, by Law?

Why are my blogs not, "other printed periodical"?

What is "other printed periodical" defined as.

Periodical is defined as "A magazine or newspaper published at regular intervals."

"a. Published at regular intervals of more than one day.

b. Of or relating to a publication issued at such intervals.

n.

A publication issued at regular intervals of more than one day."

"periodical [ˌpɪərɪˈɒdɪkəl]

n

(Communication Arts / Journalism & Publishing) a publication issued at regular intervals, usually monthly or weekly"

Source of Above Quotes

<http://www.thefreedictionary.com/periodical>

I most definitely publish a periodical and have for over 5 years. Why does this LAW not apply to me. Oregon Retraction laws DO apply to me and Judge Marco Hernandez violated my Rights, Discriminated against me, and did not base his decision in a "Matter of Law".

**Why am I not motion picture, I mean I say some of the same things about Kevin Padrick on YouTube on my WhistleblowerMedia Channel. Definition of Motion Picture,** "a form of entertainment that enacts a story by sound and a sequence of images giving the illusion of continuous movement;..." this sounds like a definition of the Internet in general to me. And I certainly have images, I have videos, I speak in video and am quite dramatic about it, so? Why is a blog not part of the Motion Picture Definition really, or at least the YouTube Channels of which I have several and I speak of these same topics in Video? "a representation of a story", I do this in video..

Source and More<http://www.merriam-webster.com/dictionary/motion%20picture>

Also note that in 2011, the Internet is Television and Radio. So why did Judge Hernandez say the law does not apply to the Internet, Judge Hernandez got this wrong and has affected my life, my livelihood and all bloggers rights worldwide. I will be Filing a Judicial Complaint in the State of Oregon.

Oregon Retraction Laws should apply to me. As well as Internet Laws. And where you publish from certainly matters, look at many Internet Companies now who publish to the US Audience from the Philippines or other Countries.

Other Links to Oregon Retraction Laws

<http://www.oregonlaws.org/ors/31.205>

Also Note that most all blogs these days have google ads and therefore ads for Search Engine Reputation Managers as the businesses obviously go hand in hand.

**Also Note** the Plaintiff did NOT have to prove they lost any money. Kevin Padrick and / or Obsidian Finance Group had no proof of losing money. They brought no books, spreadsheets, documents of

any kind to prove they lost any money what so ever. The Plaintiff had no witness or sworn testimony of any person, client or company that refused them any jobs or money due to any blog post of mine and especially the ONE Blog Post I was on Trial For.

Also Examine Deeply why Judge Hernandez would say that Kevin Padrick is not a Public Figure. He is an Attorney Licensed in 4 States, the Summit Bankruptcy involved victims - investors and Summit Branch offices in many states, Obsidian Finance is involved in Federal and State Tax dollars with the Solar Tax Credits, Solar Loans, and Solar Developments they are involved involved in, Obsidian was involved in proxy fights in multiple states and even battled an Objection to the Fees similar to the Summit Objection in a Washington Bankruptcy Court, Obsidian and Kevin Padrick have business relations in Colorado, and it seems California, Florida, New York and Even Germany and China from the fingerprints left in my Stat Counter. So why did Judge Marco Hernandez say he was NOT a Public Figure, and in Summit Kevin Padrick was a Trustee appointed by a Federal Judge, answering to the Department of Justice - paid by your tax dollars. AND it was a 1031 Exchange Company that Went Bankrupt which affects All Real Estate Agents worldwide, all title companies, and more. Kevin Padrick was and is IN Fact a Public Figure.

#### Online Newspaper Definition

"An **online newspaper**, also known as a **web newspaper**, is a **newspaper** that exists on the **World Wide Web** or **Internet**, either separately or as an online version of a printed periodical.

Going online created more opportunities for newspapers, such as competing with **broadcast journalism** in presenting breaking news in a more timely manner. The credibility and strong brand recognition of well-established newspapers, and the close relationships they have with advertisers, are also seen by many in the newspaper industry as strengthening their chances of survival.<sup>[1]</sup> The movement away from the printing process can also help decrease costs.

#### Source and More information

[http://en.wikipedia.org/wiki/Online\\_newspaper](http://en.wikipedia.org/wiki/Online_newspaper)

In

Judge Marco Hernandez says I am not Media, even though I state I am and have put huge amounts of money into my business, make a living as an Investigative Journalist / Investigative Blogger Freelance and Independent Contracting. I gather news the same as main stream media, and well as I said I State I am Media and have back up to prove it. This is not good enough for Judge Hernandez. Having **InvestigativeBlogger.com WhistleblowerMedia.com** and tons of sites with the words news in it does not make me an Authority on News in any way according to this Trial.

However the Amazing Double Standard is Judge Marco Hernandez accepted that because I posted on **BankruptcyCorruption.com** that I was implying corruption and that the domain name itself suggested I was an authority. Plaintiff claimed this with **EthicsComplaint.com** and **Attorney Corruption.com** as well. So when it favors plaintiff the domain name is the authority, but if its the truth and favors Pro Se Blogger Crystal Cox then Judge Hernandez discounts it.

Another amazing Double Standard in this case in Judge Marco Hernandez's court is that I am not Media according to Judge Marco Hernandez, if I State it, though I really am. Yet Plaintiff did not have to do anything but **state Millions in Loss, no tax return, no one to testify as to not giving them job** over my blog post, no proof anyone saw the post from December 25th, 2010 the day I posted it and January 14th the day they filed their lawsuit, no proof that every thing in that post was false and had no base in truth,

**Judge Marco Hernandez** discriminated against me to protect an Oregon Financial Company in which I had been writing on and investigating as an Investigative Journalist, Investigative Blogger for years. There

is reason to believe there was illegal activity in the Summit Bankruptcy and **Judge Marco Hernandez** has now been exposed to those reasons and has an obligation to give this information to federal investigators yet instead he simply excluded me from using the information in my defense. Judge Marco Hernandez tied my hands so these Multi-Millionaires can attempt to stop me from exposing them.

Obsidian Finance Group is not innocent and though Judge Hernandez claims I caused the bad press about the Plaintiff, though he says I am not "Press" Per Say.. in his "Opinion" where he says Shield Laws, Anti-Slapp Laws, Retraction Laws and more Just do not apply to me, and Investigative Blogger who by Law really is Media.

Courts will Do as they Do and of Course **Judge Marco Hernandez is Law and I have to as I am told, thing is this case should be deeply examined by those who actually know the law and many questions should be asked of Judge Marco Hernandez as I am Media, Shield Laws, Retraction Laws, Anti-Slapp Laws DO Apply to me and I was Discriminated Against.**

### **I was Media Coverage of a Judicial Proceeding and I was Denied the Right as "Media" .**

I was Denied the use of Anti-Slapp Laws which Certainly Do apply to me.

I Was Denied use of Oregon Retraction Laws though I was NEVER asked to Retract or to change that Blog Post. And Oregon Retraction Laws FULLY apply to my Case.

I was Denied the Use Shield Laws of though I am legally defined as Media and Shield Laws certainly do apply to me.

I was **Reporting on a Judicial Proceeding**, and Submitted that Case along with Depositions as my Source of the blog post which included internal documents, emails, tax information and more and I was denied the use of these as Exhibits in this Trial.

I was NEVER asked to retract that post, nor was I given documents from Kevin Padrick of Obsidian Finance Group or David Aman Tonkon Torp Law Firm to disprove anything I wrote. I got documents, details from the other side and I posted on that.

Kevin Padrick was accused of the same things in a judicial proceeding with Homestreet Bank in the Summer of 2011, Judge Hernandez ignored this. I was simply reporting the story.

Judge Marco Hernandez has been given reason to believe there is possible corruption, conspiracy, collusion and illegal activity in a Federal Bankruptcy Proceeding and has a Legal Obligation to notify Federal Investigators, a Special Federal Prosecutor.

Judge Marco Hernandez has been given reason to believe the Department of Justice Trustee in the Summit Bankruptcy was conflicted and thereby has an obligation to let authorities know of this possible criminal activity.

Judge Marco Hernandez has been given reason to believe that the bankruptcy Judge in the

Summit Bankruptcy, Judge Randall Dunn acted in a way that was not in the best interest of the Creditors and may be illegal in the appointing of a possible insider as a Trustee in a Federal bankruptcy proceeding when Judge Randall Dunn knew that the Trustee was previously under contract with the Debtor to for a "Plan of Restructure" as seen in the Contract between Obsidan Finance Group and Summit, in which I have provided Judge Marco Hernandez with many time

Judge Marco Hernandez has refused to sign a Conflict of Interest form that was submitted to this court at the very first response of defendant. As Shown as an attached Exhibit to this Motion

Judge Marco Hernandez has been given reason to believe that the Plaintiff's Attorney was involved with a Man that conspired to intimidate, harass and threaten to kill Pro Se Defendant Crystal L. Cox. This man, defendant fully believed would be on premise at the David Aman MT Deposition request and therefore was in fear of her life.

#### CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Motion to Exclude to Plaintiff Attorney David Aman, Tonkon Torp At the Following Email Addresses on November 9th, 2011:

To:  
mary.costanzo@tonkon.com  
david.aman@tonkon.com  
steven.wilker@tonkon.com

With a Copy to the Oregon Courts and Electronic Filing Cc:  
Michelle\_Rawson@ord.uscourts.gov

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